



Entered on Docket
June 14, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Debtors.

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)
GUNG-HO CONCRETE, LLC

Hearing Date: May 11, 2010
Hearing Time: 1:30 p.m.
Courtroom 1

**ORDER GRANTING CORRECTED MOTION FOR RELIEF FROM STAY FILED BY
VIRGINIA SPRINGALL-SMITH AND SHANE SMITH [DOCKET NO. 1089]**

Upon consideration of the *Corrected Motion for Relief from Stay* [Docket Number 1089]
(the "Motion") filed by Virginia Springall-Smith and Shane Smith (the "Movants")² and good
cause appearing, it is hereby ORDERED

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No. 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

² All defined terms not defined herein shall have the same meaning as in the Motion.

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

1 1. The Motion is granted as set forth herein.

2 2. The Movants are each authorized to litigate their claims (the "Claims") in their state
3 court lawsuit (the "Litigation") pursuant to Article VII.E.2 of the Plan of Reorganization [Docket
4 No. 1053] (the "Plan") notwithstanding the injunction under the Plan for the limited purpose of
5 pursuing payment of their Claims from applicable insurance policies.

6 3. There shall be a full reservation of rights for Gung-Ho Concrete LLC and Gung-Ho
7 Concrete LLC's insurer with respect to the relevant insurance policies and to defend the
8 Litigation on the merits.

9 4. Any and all portions of the Movants' Claims, whether prepetition or postpetition
10 claims or causes of action, that are not fully satisfied by the available insurance policies of Gung-
11 Ho Concrete LLC are forever waived and discharged as against Gung-Ho Concrete LLC, even if
12 the Movants are unable to obtain any recovery from any insurance policies.

13 5. Any recovery by the Movants received from the insurance proceeds shall be reduced
14 by the amount of the applicable insurance policy's deductible. As provided in Article VII.E.2 of
15 the Plan, the Reorganized Debtors shall have no obligation to pay any amounts in respect of
16 deductibles under the applicable insurance policy.

17 6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the
18 interpretation or enforcement of this Order.

19 SUBMITTED BY:
20

21 DATED this 1st day of June 2010.

DATED this 1st day of June 2010.

22 By: _____
23 THOMAS E. CROWE PROFESSIONAL
24 LAW CORPORATION
25 Thomas E. Crowe
26 7381 West Charleston Blvd., Ste. 110
27 Las Vegas, Nevada 89117
28 Telephone: (702) 794-0373
tcrowe@lvcm.com
Counsel for Movants

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169 (Facsimile)
zlarson@lslawnv.com
Counsel for Reorganized Debtors

1. The Motion is granted as set forth herein.

2. The Movants are each authorized to litigate their claims (the "Claims") in their state court lawsuit (the "Litigation") pursuant to Article VII.E.2 of the Plan of Reorganization [Docket No. 1053] (the "Plan") notwithstanding the injunction under the Plan for the limited purpose of pursuing payment of their Claims from applicable insurance policies.

3. There shall be a full reservation of rights for Gung-Ho Concrete LLC and Gung-Ho Concrete LLC's insurer with respect to the relevant insurance policies and to defend the Litigation on the merits.

4. Any and all portions of the Movants' Claims, whether prepetition or postpetition claims or causes of action, that are not fully satisfied by the available insurance policies of Gung-Ho Concrete LLC are forever waived and discharged as against Gung-Ho Concrete LLC, even if the Movants are unable to obtain any recovery from any insurance policies.

5. Any recovery by the Movants received from the insurance proceeds shall be reduced by the amount of the applicable insurance policy's deductible. As provided in Article VII.E.2 of the Plan, the Reorganized Debtors shall have no obligation to pay any amounts in respect of deductibles under the applicable insurance policy.

6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the interpretation or enforcement of this Order.

SUBMITTED BY:

DATED this 1st day of June 2010.

By: Thomas E. Crowe
 THOMAS E. CROWE PROFESSIONAL
 LAW CORPORATION
 Thomas E. Crowe
 7381 West Charleston Blvd., Ste. 110
 Las Vegas, Nevada 89117
 Telephone: (702) 794-0373
 tcrowe@lvcvm.com
 Counsel for Movants

DATED this 1st day of June 2010.

By: _____
 LARSON & STEPHENS
 Zachariah Larson, Esq. (NV Bar No 7787)
 Kyle O. Stephens, Esq. (NV Bar No. 7928)
 810 S. Casino Center Blvd., Ste. 104
 Las Vegas, NV 89101
 (702) 382-1170 (Telephone)
 (702) 382-1169 (Facsimile)
 zlarson@lslawnv.com
 Counsel for Reorganized Debtors

LARSON & STEPHENS
 810 S. Casino Center Blvd., Suite 104
 Las Vegas, Nevada 89101
 Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below: Thomas E. Crowe, Counsel for Movants

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 8th day of June 2010.

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169 (Facsimile)
zlarson@slawnv.com
Counsel for Reorganized Debtors